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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/622,767	PLASTINA ET AL.
	Examiner	Art Unit	
	Manglesh M. Patel	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 July 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-50* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This **Non-Final action** is responsive to communications: IDS and application filed on

July 18, 2003.

2.   Claims 1-50 are pending. Claims 1, 17, 29, 39 and 45 are independent claims.

Withdrawn Rejections

3.   A telephone interview was conducted on January 23, 2006 with Attorney Jim

Barta. Upon the interview it was agreed by the examiner to withdraw the previous Non-

Final Rejection in view of the argument presented.

4.   The 35 U.S.C. 102(e) rejections of claims 1-50 with cited reference of U.S. 6,829,368,

filed Jan 24, 2001) have been withdrawn.

Drawings

5.   The examiner has accepted the Drawings filed on July 18, 2003.

Claim Objections

6.   Claim 16 & 28 is objected to because the claim is described in a hybrid format and it is

unclear since it is viewed as a dependent claim form. This objection would be overcome if for

example the words "method of claim 1" was removed from claim 16 and instead the actual

limitations of claim 1 are inserted, therefore representing an independent claim.

Claim Rejections - 35 USC § 101

7.   Claim 39 is rejected under 35 U.S.C. 101 because the claim includes a data structure for

storing information but no actual steps are being performed. Therefore the data structure

represents non-functional descriptive material.

8.   Claim 45 is rejected under 35 U.S.C. 101 because the claim describes a filename, a

filename does not represent a useful, tangible and concrete result. The filename is non-statutory

because it does not perform any steps or processes.

9.   Claims 40-44 are rejected because they inherit the deficiencies of Independent claim 39.

10.   Claims 46-50 are rejected because they inherit the deficiencies of Independent claim 45.

Claim Rejections - 35 USC § 102

11.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign
> country, before the invention thereof by the applicant for a patent.

12.   Claims 1-3, 8, 10, 15-16, 27, 29, 36 and 38 are rejected under 35 U.S.C. 102(a) as being

anticipated by NPL-MusicMatch, MusicMatch Jukebox Users Guide, Feb 7, 2003, chapters A1-

A6 & 1-9.

Regarding Independent claims 1 and 29, MusicMatch discloses a method of processing

a media file, said media file being adapted for rendering by an application program

executed by a computing device, said method comprising:

- Determining whether a user-selected image file corresponding to media content contained in the media file is stored in a memory accessible by the computing device executing the application program (Chapter 5, manage your music collection, pg 3, wherein the image file [album art] associated with the media [song] selected by the user is saved in memory. It is determined if the image resides in memory once the user selects the [find art file] button);

- If not, determining whether a third-party image File accessible by the computing device corresponds to the media content contained in the media file (Chapter 5, manage your music collection, pg 4, wherein tags include image information which are either selected by the user in a library or a [lookup tags feature] which allows connection to a third-party for accessing a image file as part of the tag information);

- And displaying either the user-selected image file or the third-party image file as determined when the application program renders the media file corresponding thereto (Chapter 5, manage your music collection, page 3, wherein the users selected image or the third-party image from the tag information is applied with the music).

Regarding Dependent claims 2 and 30, MusicMatch discloses wherein the application program comprises at least one of the following: a media player and an operating system

shell (Chapter A1, wherein MusicMatch Jukebox is a media player).

Regarding Dependent claim 3, with dependency of claim 1, MusicMatch discloses wherein the user-selected image file is stored in at least one of the following: a header of the media file, a shell folder, a registry, and a directory (Chapter 5, manage your music collection, pg 3, wherein the user-selected image file is stored within a Jukebox subdirectory).

Regarding Dependent claim 8 and 36, MusicMatch discloses wherein the third-party image file comprises a reference to image data (Chapter 5, manage your music collection, page 3, wherein the users selected image or the third-party image from the tag information is applied with the music, the image file comprising album art).

Regarding Dependent claim 10, with dependency of claim 1, MusicMatch discloses rendering the media file with an image represented by either the user-selected image file or the third-party image file as determined (Chapter 5, manage your music collection, page 3, wherein the users selected image or the third-party image from the tag information is rendered with the music, the image file comprising album art).

Regarding Dependent claim 15, 27 and 38, MusicMatch discloses wherein the media content comprises audio, and wherein the third-party image file comprises album cover

art (Chapter 5, manage your music collection, pgs 3-4, wherein the third-party or user-selected image file comprises [album art] and is associated with the audio [song]).

Regarding Dependent claim 16, with dependency of claim 1, the claim describes a method and contains the same limitations as claim 1 and is therefore rejected under the same rationale.

Claim Rejections - 35 USC § 103

13.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14.   Claims 4-7, 9, 11-14, 22-24, 34-35, 37, 39, 40-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over NPL-MusicMatch, MusicMatch Jukebox Users Guide, Feb 7, 2003, chapters A1-A6 & 1-9 in view of Meyers (U.S. 6,829,368, filed on Jan 24, 2001).

Regarding Dependent claim 4, with dependency of claim 1, MusicMatch teaches the connection to a third-party to retrieve album art associated with the media file (Chapter 5, manage your music collection, pgs 3-4. Although MusicMatch describes the use of a file name for retrieving the tag information it fails to explicitly describe the use of an identifier). Meyer discloses wherein the third-party image file has a filename associated therewith, and wherein determine whether the third-party image file corresponds to the media content contained in the media file comprises searching for an identifier value in

the filename, said identifier value being associated with an identifier and corresponding to the media content (column 2, lines 35-50 & column 6, lines 60-67, wherein audio and media objects are connected to a third-party by using metadata which include identifiers. Meyer describes the use of metadata for retrieving more information about the music, although Meyer doesn't explicitly teach the image or album art as part of the metadata he describes media players such as MusicMatch that extract metadata from third-party servers and MusicMatch shows that the metadata includes album art as part of the tag information). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata as part of tag information that includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of an identifier for retrieving image information from a third-party. The motivation for doing so would have been to allow the third-party or broadcasters to effectively promote content by including information associated with the media object using metadata that include identifiers. Therefore it would have been obvious to combine the teachings of Meyer with MusicMatch for the benefits of associating image information to media objects by using an identifier thereby allowing the proper mapping of additional context to the media object to effectively promote third-party content.

Regarding Dependent claim 5, 24, 34 and 40, MusicMatch doesn't explicitly teach identifiers. Meyer discloses wherein the identifier comprises WMCollectionID (column 6, lines 60-67, wherein the identifier includes Windows Media collection ID). Meyer discloses that

media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata is part of tag information that includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of an identifier for retrieving image information from a third-party. The motivation for doing so would have been to allow the third-party or broadcasters to effectively promote content by including information associated with the media object using metadata that include identifiers. Therefore it would have been obvious to combine the teachings of Meyer with MusicMatch for the benefits of associating image information to media objects by using an identifier thereby allowing the proper mapping of additional context to the media object to effectively promote third-party content.

Regarding Dependent claim 6, 23, 35 and 41, MusicMatch doesn't explicitly teach identifiers. Meyer discloses wherein the identifier value comprises a globally unique identifier (column 2, lines 52-67, wherein the identifier value is a unique identifier). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata is part of tag information that includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of an identifier for retrieving

image information from a third-party. The motivation for doing so would have been to

allow the third-party or broadcasters to effectively promote content by including

information associated with the media object using metadata that include identifiers.

Therefore it would have been obvious to combine the teachings of Meyer with

MusicMatch for the benefits of associating image information to media objects by using

an identifier thereby allowing the proper mapping of additional context to the media

object to effectively promote third-party content.

Regarding Dependent claim 7, with dependency of claim 1, MusicMatch teaches the

connection to a third-party to retrieve album art associated with the media file (Chapter 5,

manage your music collection, pgs 3-4. MusicMatch doesn't explicitly teach identifiers.

Meyer discloses identifying a version of the application program, and wherein

determining whether the third-party image file corresponds to the media content contained

in the media file comprises determining whether the third-party image file corresponds to

the media content contained in the media file based on the identified version (column 8,

lines 63-67 & column 9, lines 1-8, wherein the third-party media content comprising an image file

is validated with the media file by using version information). Meyer discloses that media

player software such as **MusicMatch** is used to extract identifier information using plug-

in software. Meyer describes metadata that includes an identifier linked to the media

objects but doesn't explicitly disclose the metadata to include image information.

However MusicMatch teaches that the metadata is part of tag information that includes

album art or image information. At the time of the invention it would have been obvious

to a person of ordinary skill in the art to include the use of an identifier for retrieving
image information from a third-party. The motivation for doing so would have been to
allow the third-party or broadcasters to effectively promote content by including
information associated with the media object using metadata that include identifiers.
Therefore it would have been obvious to combine the teachings of Meyer with
MusicMatch for the benefits of associating image information to media objects by using
an identifier thereby allowing the proper mapping of additional context to the media
object to effectively promote third-party content.

Regarding Dependent claim 9, 22, 37 and 43, MusicMatch describes the metadata has
tags for describing the media content but fails to explicitly include hyperlink information
associated with the metadata, Meyer discloses wherein the reference comprises a
hyperlink (column 18, lines 30-36, wherein the reference includes a hyperlink). Meyer
discloses that media player software such as **MusicMatch** is used to extract identifier
information using plug-in software. Meyer describes metadata that includes an identifier
linked to the media objects but doesn't explicitly disclose the metadata to include image
information. However MusicMatch teaches that the metadata is part of tag information
that includes album art or image information. At the time of the invention it would have
been obvious to a person of ordinary skill in the art to include the use of an identifier for
retrieving image information from a third-party. The motivation for doing so would have
been to allow the third-party or broadcasters to effectively promote content by including
information associated with the media object using metadata that include identifiers.

Therefore it would have been obvious to combine the teachings of Meyer with

MusicMatch for the benefits of associating image information to media objects by using

an identifier thereby allowing the proper mapping of additional context to the media

object to effectively promote third-party content.

Regarding Dependent claim 11, with dependency of claim 1, MusicMatch describes the

metadata has tags for describing the media content but fails to explicitly include hyperlink

information associated with the metadata, Meyer discloses wherein the reference

comprises a hyperlink (column 18, lines 30-36, wherein the reference includes a hyperlink).

MusicMatch doesn't explicitly teach identifiers. Meyer discloses: sending an identifier

value associated with the media file from the computing device to the metadata provider

(column 2, lines 35-65, wherein the identifier value associated to the media content is sent via

linking to a metadata provider); receiving metadata corresponding to the media content

contained in the media file from the metadata provider in response to the sent identifier

value, said received metadata including the third-party image file (column 2, lines 35-65,

wherein the received media content from the metadata provider thru linking is in response to the

sent identifier) ; and storing the received third-party image file in a directory with the

media file (column 16, lines 60-67 & column 17, lines 1-10, wherein the content is in the

directory within the media file via content package). Meyer discloses that media player

software such as **MusicMatch** is used to extract identifier information using plug-in

software. Meyer describes metadata that includes an identifier linked to the media objects

but doesn't explicitly disclose the metadata to include image information. However

MusicMatch teaches that the metadata is part of tag information that includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of an identifier for retrieving image information from a third-party. The motivation for doing so would have been to allow the third-party or broadcasters to effectively promote content by including information associated with the media object using metadata that include identifiers. Therefore it would have been obvious to combine the teachings of Meyer with MusicMatch for the benefits of associating image information to media objects by using an identifier thereby allowing the proper mapping of additional context to the media object to effectively promote third-party content.

Regarding Dependent claim 12, with dependency of claim 11, MusicMatch discloses wherein the metadata provider comprises at least one of the following: a human operator, a local cache, a media library, and a remote server (Chapter 5, manage your music collection, pgs 3-4, wherein the metadata provider includes a media library and remote server).

Regarding Dependent claim 13, with dependency of claim 11, MusicMatch discloses wherein the computing device and the metadata provider are coupled to a data communication network (Chapter 5, manage your music collection, pgs 3-4, wherein the metadata provider is connected to the computing device thru the internet).

Regarding Dependent claim 14, with dependency of claim 11, MusicMatch doesn't

explicitly teach identifiers. Meyer discloses storing the received third-party image file

comprises storing the received third-party image file with a filename comprising an

identifier value corresponding to the media content (column 2, lines 35-55, wherein the third-

party media content comprising image information contains a filename that is associated by an

identifier to the media content). Meyer discloses that media player software such as

MusicMatch is used to extract identifier information using plug-in software. Meyer

describes metadata that includes an identifier linked to the media objects but doesn't

explicitly disclose the metadata to include image information. However MusicMatch

teaches that the metadata is part of tag information that includes album art or image

information. At the time of the invention it would have been obvious to a person of

ordinary skill in the art to include the use of an identifier for retrieving image information

from a third-party. The motivation for doing so would have been to allow the third-party

or broadcasters to effectively promote content by including information associated with

the media object using metadata that include identifiers. Therefore it would have been

obvious to combine the teachings of Meyer with MusicMatch for the benefits of

associating image information to media objects by using an identifier thereby allowing the

proper mapping of additional context to the media object to effectively promote third-

party content.

Regarding Independent claim 39, MusicMatch discloses: *A media file storing media content*

for rendering with an application program executed by the computing device (Chapter 5, manage your music collection, pgs 3-4, wherein the media file stored within the library includes media content for an application program, the application program is MusicMatch Jukebox); MusicMatch doesn't explicitly teach identifiers. Meyer discloses *And an image file corresponding to the media file, said image file having a filename associated therewith, said filename comprising an identifier value associated with the media content in the media file corresponding thereto* (column 2, lines 35-55, wherein the third-party media content a filename that is associated by an identifier to the media content). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata is part of tag information that includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of an identifier for retrieving image information from a third-party. The motivation for doing so would have been to allow the third-party or broadcasters to effectively promote content by including information associated with the media object using metadata that include identifiers. Therefore it would have been obvious to combine the teachings of Meyer with MusicMatch for the benefits of associating image information to media objects by using an identifier thereby allowing the proper mapping of additional context to the media object to effectively promote third-party content.

Regarding Dependent claim 42, with dependency of claim 39, MusicMatch discloses

wherein the third-party image file comprises a reference to image data (Chapter 5,

manage your music collection, page 3, wherein the users selected image or the third-party

image from the tag information is applied with the music, the image file comprising

album art).

Regarding Dependent claim 44, with dependency of claim 39, MusicMatch discloses

wherein the media content comprises audio, and wherein the third-party image file

comprises album cover art (Chapter 5, manage your music collection, pgs 3-4, wherein

the third-party or user-selected image file comprises [album art] and is associated with the

audio [song]).

15.   Claims 17-28, 31-34 and 46-50 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Meyers (U.S. 6,829,368, filed on Jan 24, 2001) in view of NPL-MusicMatch, MusicMatch

Jukebox Users Guide, Feb 7, 2003, chapters A1-A6 & 1-9.

Regarding Independent claim 17 & 28, Meyer discloses a method for processing image

files, said method comprising: sending, from a computing device to a metadata provider,

an identifier value associated with a media file, said media file storing media content to

be rendered with an application program executed by the computing device (column 2,

lines 35-51, wherein an identifier value associated to the media content is send to the metadata

provider via linking from the computing device over a network, in addition the media content is

rendered by the application program); Meyer fails to explicitly describe the metadata

including image information. MusicMatch discloses receiving metadata corresponding to the media content stored in the media file from the metadata provider in response to the sent identifier value, said received metadata including an image file (Chapter 5, manage your music collection, pg 4, wherein tags include image information which are either selected by the user in a library or a [lookup tags feature] which allows connection to a third-party for accessing a image file as part of the tag information); Storing the received image file in a directory with the media file, said received image file having a filename, said filename comprising an identifier value corresponding to the media content stored in the media file (Chapter 5, manage your music collection, pgs 3-4, wherein the image file is stored in a directory as part of a user library). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata as part of tag information includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of image information as part of the retrieved metadata. The motivation for doing so would have been to allow the user to correctly see the associated context information by including album art such as cover art. Therefore it would have been obvious to combine the teachings of MusicMatch with Meyer for the benefits of allowing the proper mapping of additional context such as image information such as album art to the media object to allow the user to correctly identify the media object.

Regarding Dependent claim 18, with dependency of claim 17, Meyers teaches the use

of an identifier (column 2, lines 35-51). Meyer fails to explicitly describe the metadata

including image information. MusicMatch discloses wherein the application program

comprises at least one of the following: a media player and an operating system shell

(Chapter A1, wherein MusicMatch Jukebox is a media player). Meyer discloses that

media player software such as **MusicMatch** is used to extract identifier information using

plug-in software. Meyer describes metadata that includes an identifier linked to the media

objects but doesn't explicitly disclose the metadata to include image information.

However MusicMatch teaches that the metadata as part of tag information includes album

art or image information. At the time of the invention it would have been obvious to a

person of ordinary skill in the art to include the use of image information as part of the

retrieved metadata. The motivation for doing so would have been to allow the user to

correctly see the associated context information by including album art such as cover art.

Therefore it would have been obvious to combine the teachings of MusicMatch with

Meyer for the benefits of allowing the proper mapping of additional context such as

image information such as album art to the media object to allow the user to correctly

identify the media object.

Regarding Dependent claim 19, with dependency of claim 17, Meyer discloses:

- *Receiving the identifier value from the metadata provider* (column 3, lines 5-25,
  wherein the identifier value is associated to the media content via linking to the
  . provider);

- *And generating the filename with the received identifier value* (column 2, lines 50-67, wherein the audio filename is associated with the identifier value).

Regarding Dependent claim 20, with dependency of claim 17, Meyer discloses:

- *Generating the identifier value* (column 2, lines 35-57, wherein an identifier is generated to associate the linking of audio and other media objects to metadata);

- *And creating the filename with the generated identifier value* (column 2, lines 50-67, wherein the filename associated to the electronic file is generated with the identifier information pertaining to the audio).

Regarding Dependent claim 21, with dependency of claim 17, Meyer fails to explicitly teach image information as part of the metadata. MusicMatch discloses wherein the image file comprises a reference to image data (Chapter 5, manage your music collection, pgs 3-4, wherein the image information references image data such as image format of .bmp or .jgp). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata as part of tag information includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of image information as part of the retrieved metadata. The motivation for doing so would have been to allow the user to correctly see the associated context information by including album art such as cover art. Therefore it would have been obvious to combine

the teachings of MusicMatch with Meyer for the benefits of allowing the proper mapping

of additional context such as image information such as album art to the media object to

allow the user to correctly identify the media object.

Regarding Dependent claim 22, with dependency of claim 21, Meyer discloses wherein

the reference comprises a hyperlink (column 18, lines 30-36, wherein the reference includes a

hyperlink).

Regarding Dependent claim 23, with dependency of claim 17, Meyer discloses wherein

the identifier value comprises a globally unique identifier (column 2, lines 52-67, wherein the

identifier value is a unique identifier).

Regarding Dependent claim 24, with dependency of claim 17, Meyer discloses wherein

the identifier comprises WMCollectionID (column 6, lines 60-67, wherein the identifier includes

Windows Media collection ID).

Regarding Dependent claim 25, with dependency of claim 17, Meyer fails to explicitly

teach image information as part of the metadata. MusicMatch discloses wherein storing

the received image file in the directory with the media file comprises overwriting an

existing image file stored in the directory with the received image file (Chapter 5, manage

your music collection, pgs 3-4). Meyer discloses that media player software such as

MusicMatch is used to extract identifier information using plug-in software. Meyer

describes metadata that includes an identifier linked to the media objects but doesn't

explicitly disclose the metadata to include image information. However MusicMatch

teaches that the metadata as part of tag information includes album art or image

information. At the time of the invention it would have been obvious to a person of

ordinary skill in the art to include the use of image information as part of the retrieved

metadata. The motivation for doing so would have been to allow the user to correctly see

the associated context information by including album art such as cover art. Therefore it

would have been obvious to combine the teachings of MusicMatch with Meyer for the

benefits of allowing the proper mapping of additional context such as image information

such as album art to the media object to allow the user to correctly identify the media

object.

Regarding Dependent claim 26, with dependency of claim 17, Meyer fails to explicitly

teach image information as part of the metadata. MusicMatch discloses wherein the

metadata provider comprises at least one of the following: a user, a local computing

device, and a third party art provider (Chapter 5, manage your music collection, pgs 3-4).

Meyer discloses that media player software such as **MusicMatch** is used to extract

identifier information using plug-in software. Meyer describes metadata that includes an

identifier linked to the media objects but doesn't explicitly disclose the metadata to

include image information. However MusicMatch teaches that the metadata as part of tag

information includes album art or image information. At the time of the invention it

would have been obvious to a person of ordinary skill in the art to include the use of

image information as part of the retrieved metadata. The motivation for doing so would have been to allow the user to correctly see the associated context information by including album art such as cover art. Therefore it would have been obvious to combine the teachings of MusicMatch with Meyer for the benefits of allowing the proper mapping of additional context such as image information such as album art to the media object to allow the user to correctly identify the media object.

Regarding Dependent claim 27, with dependency of claim 17, Meyer fails to explicitly teach image information as part of the metadata. MusicMatch discloses wherein the media content comprises audio, and wherein the third-party image file comprises album cover art (Chapter 5, manage your music collection, pgs 3-4, wherein the third-party or user-selected image file comprises [album art] and is associated with the audio [song]). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata as part of tag information includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of image information as part of the retrieved metadata. The motivation for doing so would have been to allow the user to correctly see the associated context information by including album art such as cover art. Therefore it would have been obvious to combine the teachings of MusicMatch with Meyer for the benefits of allowing the proper mapping of additional context such as

image information such as album art to the media object to allow the user to correctly

identify the media object.

Regarding Dependent claim 31, with dependency of claim 29, Meyer discloses *a*

communications component for: Sending an identifier value associated with the media file from

the computing device to a metadata provider (column 2, lines 35-65, wherein the identifier value

associated to the media content is sent via linking to a metadata provider*);* Meyer fails to

explicitly teach image information as part of the metadata. MusicMatch discloses

receiving metadata corresponding to the media content stored in the media file from the

metadata provider in response to the sent identifier value, said received metadata including

the third-party image file (Chapter 5, manage your music collection, pgs 3-4). Meyer

discloses that media player software such as **MusicMatch** is used to extract identifier

information using plug-in software. Meyer describes metadata that includes an identifier

linked to the media objects but doesn't explicitly disclose the metadata to include image

information. However MusicMatch teaches that the metadata as part of tag information

includes album art or image information. At the time of the invention it would have been

obvious to a person of ordinary skill in the art to include the use of image information as

part of the retrieved metadata. The motivation for doing so would have been to allow the

user to correctly see the associated context information by including album art such as

cover art. Therefore it would have been obvious to combine the teachings of MusicMatch

with Meyer for the benefits of allowing the proper mapping of additional context such as

image information such as album art to the media object to allow the user to correctly

identify the media object.

Regarding Dependent claim 32, with dependency of claim 31, Meyer fails to explicitly

teach image information as part of the metadata. MusicMatch discloses an authoring

component for storing the third-party image file received via the communications

component in a directory With the media file, said received third-party image file having

a filename, said filename comprising an identifier value corresponding to the media

content (Chapter 5, manage your music collection, pgs 3-4). Meyer discloses that media

player software such as **MusicMatch** is used to extract identifier information using plug-

in software. Meyer describes metadata that includes an identifier linked to the media

objects but doesn't explicitly disclose the metadata to include image information.

However MusicMatch teaches that the metadata as part of tag information includes album

art or image information. At the time of the invention it would have been obvious to a

person of ordinary skill in the art to include the use of image information as part of the

retrieved metadata. The motivation for doing so would have been to allow the user to

correctly see the associated context information by including album art such as cover art.

Therefore it would have been obvious to combine the teachings of MusicMatch with

Meyer for the benefits of allowing the proper mapping of additional context such as

image information such as album art to the media object to allow the user to correctly

identify the media object.

Regarding Dependent claim 33, with dependency of claim 29, Meyers teaches the use

of an identifier (column 2, lines 35-51). Meyer fails to explicitly describe the metadata

including image information. MusicMatch discloses wherein the third-party image file has a filename associated therewith, and Wherein the resolution component searches for an identifier value in the filename in determining whether the third-party image file is accessible to the computing device, said identifier value being associated with an identifier and corresponding to the media content (Chapter 5, manage your music collection, pgs 3-4). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata as part of tag information includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of image information as part of the retrieved metadata. The motivation for doing so would have been to allow the user to correctly see the associated context information by including album art such as cover art. Therefore it would have been obvious to combine the teachings of MusicMatch with Meyer for the benefits of allowing the proper mapping of additional context such as image information such as album art to the media object to allow the user to correctly identify the media object.

Regarding Dependent claim 34, with dependency of claim 33, Meyer discloses wherein the identifier comprises WMCollectionID (column 6, lines 60-67, wherein the identifier includes Windows Media collection ID).

Regarding Independent claim 45, Meyer discloses a filename for an image file

associated with a media file, said media file storing media content, said filename

comprising: an identifier value associated with the media content, wherein an application

program executed by a computing device searches a file system for the image file using

the identifier value to display the image file while rendering the media content (column 2,

lines 35-65, wherein the identifier is stored within the file of the media content, and when

rendered it uses the identifier value to display the associated information with metadata for the

content). Meyer fails to explicitly teach image information as part of the metadata.

MusicMatch discloses the use of image information such as album art as part of the

metadata or tag information used to describe the media objects (Chapter 5, manage your

music collection, pgs 3-4, wherein the image file is stored in a directory as part of a user

library). Meyer discloses that media player software such as **MusicMatch** is used to

extract identifier information using plug-in software. Meyer describes metadata that

includes an identifier linked to the media objects but doesn't explicitly disclose the

metadata to include image information. However MusicMatch teaches that the metadata

as part of tag information includes album art or image information. At the time of the

invention it would have been obvious to a person of ordinary skill in the art to include the

use of image information as part of the retrieved metadata. The motivation for doing so

would have been to allow the user to correctly see the associated context information by

including album art such as cover art. Therefore it would have been obvious to combine

the teachings of MusicMatch with Meyer for the benefits of allowing the proper mapping

of additional context such as image information such as album art to the media object to

allow the user to correctly identify the media object.

Regarding Dependent claim 46, with dependency of claim 45, Meyers teaches the use

of an identifier (column 2, lines 35-51). Meyer fails to explicitly describe the metadata

including image information. MusicMatch discloses wherein the application program

comprises at least one of the following: a media player and an operating system shell

(Chapter A1, wherein MusicMatch Jukebox is a media player). Meyer discloses that

media player software such as MusicMatch is used to extract identifier information using

plug-in software. Meyer describes metadata that includes an identifier linked to the media

objects but doesn't explicitly disclose the metadata to include image information.

However MusicMatch teaches that the metadata as part of tag information includes album

art or image information. At the time of the invention it would have been obvious to a

person of ordinary skill in the art to include the use of image information as part of the

retrieved metadata. The motivation for doing so would have been to allow the user to

correctly see the associated context information by including album art such as cover art.

Therefore it would have been obvious to combine the teachings of MusicMatch with

Meyer for the benefits of allowing the proper mapping of additional context such as

image information such as album art to the media object to allow the user to correctly

identify the media object.

Regarding Dependent claim 47, with dependency of claim 45, Meyer discloses wherein the identifier value comprises a globally unique identifier (column 2, lines 52-67, wherein the identifier value is a unique identifier).

Regarding Dependent claim 48, with dependency of claim 45, Meyer discloses wherein the identifier comprises WMCollectionID (column 6, lines 60-67, wherein the identifier includes Windows Media collection ID).

Regarding Dependent claim 49, with dependency of claim 45, Meyers teaches the use of an identifier (column 2, lines 35-51). Meyer fails to explicitly describe the metadata including image information. MusicMatch discloses wherein the third-party image file comprises a reference to image data (Chapter 5, manage your music collection, page 3, wherein the users selected image or the third-party image from the tag information is applied with the music, the image file comprising album art). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata as part of tag information includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of image information as part of the retrieved metadata. The motivation for doing so would have been to allow the user to correctly see the associated context information by including album art such as cover art.

Therefore it would have been obvious to combine the teachings of MusicMatch with

Meyer for the benefits of allowing the proper mapping of additional context such as

image information such as album art to the media object to allow the user to correctly

identify the media object.

Regarding Dependent claim 50, with dependency of claim 49, Meyer discloses wherein

the reference comprises a hyperlink (column 18, lines 30-36, wherein the reference includes a

hyperlink).

It is noted that any citation [[s]] to specific, pages, columns, lines, or figures in the prior art references and any

interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it

contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art.

[[See, MPEP 2123]]

Other Prior Art Cited

16.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

- Woodward et al. (U.S. Pub 2003/0036948) discloses "Method, Apparatus And

  Program Product For Media Identification And Tracking Associated User

  Preference"

- Shuster (U.S. Pub 2002/0059370) discloses "Method And Apparatus For

  Delivering Content Via Information Retrieval Devices"

- Katinsky et al. (U.S. 6,452,609) discloses "Web Application For Accessing Media Streams"

- Roberts et al. (U.S. 6,230,207) discloses "Network Delivery Of Interactive Entertainment Synchronized To Playback Of Audio Recordings"

- Glaser et al. (U.S. 5,793,980) discloses "Audio-On-Demand Communication System"

- Laronne et al. (U.S. 6,973,451) discloses "Medium Content Identification"

- Oetzel et al. (U.S. Pub 2004/0175159) discloses "Searchable DVD Incorporating Metadata"

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manglesh M. Patel whose telephone number is (571) 272-5937. The examiner can normally be reached on M, W 6 am-3 pm T, TH 6 am-2pm, Fr 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Manglesh M. Patel
Patent Examiner
April 10, 2006

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